

REMARKS/ARGUMENTS

In view of the amendments to the claims above and the remarks and arguments below, Applicant believes the pending application is in condition for allowance.

I. Status of the Claims

Claims 1-4 and 16-19 are amended for idiomatic clarity. For example, expressions of the form "A is B when C is D" in claim 1 have been changed to "when C is D, A is B," and redundancy in the definitions of Y and Z in claim 3 has been eliminated.

Claims 1-4 are further amended to place the languages, where appropriate, in proper Markush format.

Claim 1 is also amended as follows:

- It is clarified that "when R₁, R₃ or R₅ is alkoxy having 1 to 4 carbons or hydroxyl," R₂ and R₄ may be —SO₂—Y or —C(=O)—Z or any one of the members listed in the immediately preceding Markush list, as was recited in claim 1 when it was originally filed.
- It is clarified that the Markush group defining R₃ extends to the phrase "—SO₂—Y and —C(=O)—Z wherein Y and Z are as defined above" recited roughly twenty-six lines down. This was clear in claim 1 as originally filed because the intervening lines were placed in brackets "{ . . . }." Since the brackets were subsequently deleted, the phrase is moved back up within R₃'s recitation of the Markush group for clarity.
- The designation "(III)" is added to the chemical formula next to Formula (II).
- The choice of either R₁ or R₅ is restricted to —SO₂—Y when R₃ is selected from a group other than the group consisting of Formula (II) or (III), without prejudice or disclaimer of the subject matter deleted thereby.

No new matter is introduced by the amendments to claim 1.

Claim 4 is also amended to restrict the choice of R_{33} to $-\text{SO}_2-\text{Y}$ and to eliminate certain combinations of (R_{36} , R_{33}) and of (R_{34} , R_{37}), without prejudice or disclaimer of the subject matter deleted thereby. No new matter is introduced by the amendments.

Claims 5-11 and 20-27 were previously cancelled without prejudice or disclaimer of the subject matter contained therein.

Claims 12-15 and 28-31 are cancelled in this Response without prejudice or disclaimer of the subject matter contained therein.

Claims 1-4 and 16-19 are pending.

II. Claim Objection

Claim 1 is objected to because the structure adjacent to the structure of Formula (II) is not labeled. Applicant has added the designation "(III)" to the structure at issue. Therefore, Applicant respectfully requests that the objection be withdrawn.

III. Claim Rejections under 35 U.S.C. § 112

Claims 4, 15, 19, and 31 are rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. The Examiner states that the original specification and claims do not support the amendments made in the previous Response filed February 5, 2008, which further limit the variables R_{36} , R_{33} , R_{34} , and R_{37} to certain combinations.

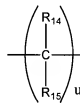
Applicant has eliminated the subject matter at issue from claim 4. Claim 19 depends from claim 4. Therefore, Applicant respectfully requests that the rejections of claims 4 and 19 be withdrawn.

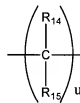
Applicant has cancelled claims 15 and 31, rendering the rejections of these claims moot.

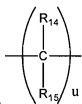
IV. Claim Rejections under 35 U.S.C. § 103(a)

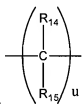
Claims 1-3, 12-14, 16-18, and 28-30 are rejected under 35 U.S.C. § 103(a) as unpatentable over EP 0 668 540 A1 to Elsaesser et al., whose English-language equivalent is U.S. Patent No.

5,753,405 (“Elsaesser”). The Examiner contends that Elsaesser renders the claims obvious because it teaches the presently claimed phenolic molecular compounds with carbonyl functional groups substituted on the phenol rings, in which the variables X, A, and B as defined in Formulas (II) through (V) are a CH₂ group. The Examiner specifically refers to Elsaesser’s Compound (III) shown at the top of column 4 for this purpose. Applicant respectfully traverses the rejections.



Claim 1 recites that “when R₃ is of Formula (II), [and] when X is , at least one of R₁, R₂, R₄, R₅, R₆, R₇, R₈, and R₉ is —SO₂—Y” and that “when R₃ is of Formula (III), [and]



when X is , at least one of R₁, R₂, R₄, R₅, R₁₀, R₁₁, R₁₂, and R₁₃ is —SO₂—Y.”

Thus, when X represents a CH₂ group, the compound recited in claim 1 contains at least one SO₂Y group. Applicant respectfully submits that in contrast, Elsaesser’s Compound (III) does not contain an SO₂Y group.

At least for this reason, Elsaesser fails to disclose all the elements recited in claim 1 and does not render the claim obvious. Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claim 16 depends from claim 1. Therefore, at least for the same reason as stated above for claim 1, Elsaesser does not render this claim obvious. Applicant respectfully requests that the rejection of claim 16 be withdrawn.

Claim 2 recites that “when A is $-(CH_2)_u-$, at least one of R_{17} , R_{20} , R_{22} , and R_{23} is $-SO_2-Y$.” Thus, when A represents a CH_2 group, the compound recited in claim 2 contains at least one SO_2Y group. On the other hand, Elsaesser’s Compound (III) does not contain an SO_2Y group.

At least for this reason, Elsaesser fails to disclose all the elements recited in claim 2 and does not render the claim obvious. Applicant respectfully requests that the rejection of claim 2 be withdrawn.

Claim 17 depends from claim 2. Therefore, at least for the same reason as stated above for claim 2, Elsaesser does not render this claim obvious. Applicant respectfully requests that the rejection of claim 17 be withdrawn.

Claim 3 recites that “when B is $-(CH_2)_u-$, at least one of R_{25} , R_{28} , R_{29} , and R_{31} is $-SO_2-Y$.” Thus, when B represents a CH_2 group, the compound recited in claim 3 contains at least one SO_2Y group. In contrast, Elsaesser’s Compound (III) does not contain an SO_2Y group.

At least for this reason, Elsaesser fails to disclose all the elements recited in claim 3 and does not render the claim obvious. Applicant respectfully requests that the rejection of claim 3 be withdrawn.

Claim 18 depends from claim 3. Therefore, at least for the same reason as stated above for claim 3, Elsaesser does not render this claim obvious. Applicant respectfully requests that the rejection of claim 18 be withdrawn.

Applicant has cancelled claims 12-14 and 28-30, rendering the rejections of these claims moot.

CONCLUSION

In view of the foregoing, it is believed that claims 1-4 and 16-19 are in immediate condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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